

Appl. No. 09/992,996
Amdt. Dated May 18, 2004
Reply to Office Action of February 18, 2004

REMARKS/Arguments

Reconsideration of the application is requested.

Claims 1 and 4 remain in the application. Claim 1 is subject to examination. Claim 4 also is subject to examination in view of the amendments thereto as discussed hereinafter.

Claims 1 and 4 have been amended. Claims 2,3, and 5 have been canceled.

Applicants appreciatively acknowledge the Examiner's statement that claim 3 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claim 1 directed to an electromagnetic actuator has been rewritten to incorporate the features of dependent claims 2 and 3.

Similarly, method claim 4 directed to a method of mounting an actuator, which was previously withdrawn from examination, has been rewritten to incorporate the features of claim 1.

In item 2 on page 2 of the above-identified Office Action, claims 1-2 and 5 have been rejected as being unpatentable over

Appl. No. 09/992,996
Amdt. Dated May 18, 2004
Reply to Office Action of February 18, 2004

Ballmann et al. (U.S. Pat. 5,887,553) (herein "Ballmann") in view of Voros, Jr. (U.S. Pat. 3,670,188) (herein "Voros") under 35 U.S.C. § 103(a).

The rejection is deemed moot and discussion of the references is not deemed necessary at this time in view of the changes to claim 1 as discussed above.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art.

Rejoinder of method claim 4 is requested pursuant to MPEP 821.04. As discussed above, claim 4 has been amended to incorporate the features of allowable claim 1.

In view of the foregoing, reconsideration and allowance of claims 1 and 4 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in

Appl. No. 09/992,996
Amdt. Dated May 18, 2004
Reply to Office Action of February 18, 2004

better condition for appeal, without requiring extension of
the field of search.

If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

FDP/kf

May 18, 2004

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101